

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,)	
)	4:06cv3145
Petitioner,)	
)	MEMORANDUM AND ORDER
vs.)	
)	
PETER C. BATAILLON, et al.,)	
)	
Respondents.)	

This matter is before the court on a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 filed by Billy Tyler, a prisoner in the custody of the Nebraska Department of Correctional Services ("§ 2254 petition"). The petitioner may not file any more § 2254 petitions regarding the sentence he is presently serving, absent certification by a panel of the Eighth Circuit Court of Appeals authorizing this court to consider a successive petition. See generally 28 U.S.C. § 2244(b); Stewart v. Martinez-Villareal, 523 U.S. 637, 641 (1998).

THEREFORE, IT IS ORDERED:

1. That filing no. 2, the petitioner's Motion to Proceed In Forma Pauperis, is denied;
1. That the Petition for Writ of Habeas Corpus is dismissed; and
2. That a separate judgment will be entered accordingly.

August 7, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge